

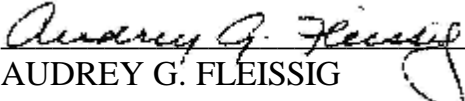
WALTER A. HORTON,)
)
Plaintiff,)
)
vs.) Case No. 4:06CV00893 AGF
)
ST. CHARLES COUNTY, and)
BRIAN KELLER)
)
Defendants.)

This matter is before the Court on the motion of Defendants St. Charles County and Brian Keller to strike Plaintiff Walter Horton’s “Case Summary for Convenience of Reader-Not Part of Complaint” (“case summary”) that was attached to his complaint. Plaintiff filed this action under 42 U.S.C. § 1983, against St. Charles County and Deputy Brian Keller. Plaintiff claims that Keller used excessive force when he arrested Plaintiff on September 16, 2005, on suspicion of driving while intoxicated. Plaintiff seeks compensatory damages, attorney’s fees, and costs.

Defendants contend, and the Court agrees, that the case summary violates Federal Rule of Civil Procedure 10(b), which reads, “All averments of claim or defense shall be made in numbered paragraphs, the contents of which shall be limited as far as practicable to a statement of a single set of circumstances” The case summary is narrative in form, is not in numbered paragraphs, and includes information that is restated in the actual complaint.

Accordingly,

IT IS HEREBY ORDERED that the motion of Defendants St. Charles County and Brian Keller to strike is **GRANTED**. [Doc. # 2].



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of October, 2006.